



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

EPA Region 5 Records Ctr.



May 26, 1994

CS-3T

Mr. John Foisy
860 North County Road 312
Bellevue, OH 44811

Re: Formulated Products Removal Action

Dear Mr. Foisy:

I am writing to clarify a few points we discussed by telephone yesterday evening. As an initial matter, be assured that the United States Environmental Protection Agency ("U.S. EPA") is pleased and encouraged that you wish to cooperate with our efforts to abate the threat posed by the above-referenced site (the "site") and we look forward to working with you to the extent practicable.

First, you mentioned yesterday that you might be willing to arrange for the sale of certain marketable materials at the site which would otherwise be disposed of. Please recognize that it is inadvisable to remove or disturb any of the materials at the site without the prior express consent of the On-Scene Coordinator. Attempting to move or disturb the materials documented on-site could subject you, or other persons, to exposure to hazardous materials and conditions at the site. Moreover, to the extent your actions create or exacerbate a release, or threat of release, of hazardous substances, you might be subjecting yourself to severe sanctions.

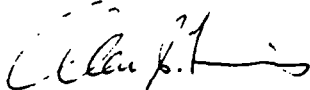
If you wish to work with U.S. EPA to arrange for the sale of certain materials on-site, we can discuss how best to proceed. Please be advised that the proceeds of any such sale would have to be applied toward off-setting the cost of the response actions contemplated for the site.

Second, please make every effort to express to your attorney the urgency with which the U.S. EPA views the conditions posed at the site and to urge him or her to meet with you and respond to U.S. EPA as soon as possible prior to June 13th. U.S. EPA would like to hold a teleconference with you and/or your attorney sometime during the week of June 1st if possible. Please contact me, or have your attorney contact me, as soon as possible to advise me when such a conference could be scheduled.

Third, please be advised that responses to U.S. EPA's Information Requests are due on or before June 2, 1994 and that if you are unable to respond in a timely manner, you must request and obtain an extension prior to June 2, 1994 in order to avoid the threat of sanctions being imposed for failure to respond.

Again, rest assured that we are willing to work with you to the extent possible, however you must understand and appreciate that the exigencies of the Formulated Products site require your immediate attention. If you fail to respond to the concerns raised in this letter in a timely manner, U.S. EPA reserves it rights to take enforcement actions as it deems necessary. Thank you for your cooperation in this matter.

Sincerely



Alan I. Lewis
Law Clerk

cc: Steven Renninger, OSC
Peggy Schwebke, U.S. EPA